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RELEASED IN PART
B1, 1.4(D)

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ACTION WHA-00

INFO	LOG-00	NP-00	AID-00	ACQ-00	CIAE-00	DODE-00	EB-00
	EUR-00	VCI-00	TEDE-00	INR-00	IO-00	L-00	VCIE-00
	NSAE-00	ISN-00	NSCE-00	OIC-00	OMB-00	PA-00	PM-00
	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00	T-00
	IIP-00	PMB-00	PRM-00	DRL-00	G-00	SAS-00	/000W

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P 142048Z NOV 05

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC PRIORITY 2119

INFO AMEMBASSY BOGOTA PRIORITY

AMEMBASSY BRASILIA PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY LA PAZ PRIORITY

AMEMBASSY LIMA PRIORITY

AMEMBASSY LISBON PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY QUITO PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY THE HAGUE PRIORITY

HQ USSOUTHCOM MIAMI FL PRIORITY

NSC WASHDC PRIORITY

USINT HAVANA PRIORITY

C O N F I D E N T I A L CARACAS 003387

E.O. 12958: DECL: 11/14/2015

TAGS: PGOV, PREL, PHUM, KDEM, VE

SUBJECT: PROSECUTORS MOVE AGAINST ANDERSON MURDER SUSPECTS

Classified By: Mark Wells, Acting Political Counselor,
for Reason 1.4(b).-----
Summary

1. (C) Prosecutors obtained arrest warrants November 4 for four persons and for an additional person November 12 accused of planning the murder of political crimes prosecutor Danilo Anderson. Among those sought as the intellectual authors of the crime are anti-Chavez journalist Patricia Poleo and active duty National Guard General Jaime Escalante. Attorney General Isaias Rodriguez publicly accused the CIA, the FBI, and the Colombian United Self-Defense Forces (AUC) of playing advisory roles in Anderson's car-bombing death in November

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: OSCAR J OLSON
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
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2004, based on testimony from an alleged AUC member now in Venezuela under police protection.

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End

summary.

Suspects Named, Two Detained, More Coming

2. (U) A Caracas judge issued arrest warrants November 4 against four alleged intellectual authors of the November 18, 2004, murder of prosecutor Danilo Anderson. Anderson, who was killed by an explosive device planted under his car seat, was a high-profile prosecutor tapped to handle politically-charged cases such as the shooting deaths at Puente Llaguno in April 2002, the mob attack on the Cuban Embassy that resulted in the four-month detention of Baruta Mayor Henrique Capriles, the military officers of Plaza Francia who declared themselves in "legitimate disobedience" to the government, and the signers of the so-called Carmona Decree that summarily dissolved the Chavez government during the April coup. While prosecutors identified several material authors early in the investigation, two of whom are reportedly in the United States, the identity of the intellectual authors has been the subject of wild speculation in the press. Attorney General Isaias Rodriguez told one reporter November 7 that the number of intellectual authors that might ultimately be implicated by the investigation "could fit into a bus."

3. (U) The intellectual authors implicated in the case are:

-- Nelson Mezerhane, owner of Banco Federal, Caracas daily El Globo (currently closed due to a labor dispute), and a major stockholder in the all-news channel (and Chavez critic) Globovision. Mezerhane was alleged to have had knowledge of a payment made to the material authors in the Dominican Republic.

-- Brigadier General (ret.) Eugenio Anez Nunez, a National Guard officer who joined the officers of Plaza Francia in October 2002 in opposition to the Chavez administration.

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-- Patricia Poleo, a journalist and outspoken critic of President Chavez who recently founded the National Front for Political Prisoners to promote peaceful civil disobedience against the GOV. Poleo warned publicly in October that Attorney General Isaias Rodriguez was targeting her as a suspect in the murder. Poleo's home was raided early this year by security forces who seized documents related to Poleo's investigation into the case.

-- Salvador Romani, Jr., son of an anti-Castro militant and who participated in the siege of the Cuban Embassy. Romani, who according to press reports is a member of the radical Democratic Bloc, said publicly he was a former official in the State Security Police (DISIP) and now works in private security.

4. (U) Anez Nunez and Romani were arrested on November 5 and remain in custody. Mezerhane's lawyer said the banker is arranging his affairs and plans to turn himself in on November 14 (as indeed occurred according to late press reports). Prosecutors refused to recognize Poleo's lawyer on November 7 when he went with Poleo's father (Rafael Poleo, publisher of Caracas daily El Nuevo Pais), saying that Patricia had to appear in person. Poleo remained at large on November 8, though DISIP agents reportedly raided several hotels and residence in search of her. One raid took place on television as the National Resistance Command, a group of opposition dissidents advocating civil disobedience, held a press conference to denounce her indictment. Poleo told reporters she would not flee Venezuela because she wants to be with her daughter.

One Active Duty General Implicated

5. (U) Speaking to reporters on November 5, Attorney General Rodriguez said that General Jaime Jose Escalante Hernandez, head of Regional Command One/ located in Tachira state, was also a likely intellectual author. Rodriguez alleged that the explosives used to kill Anderson entered Venezuela from Colombia, facilitated by Escalante. Rodriguez noted, however, that Escalante enjoys certain immunity from prosecution in that the Supreme Court (TSJ) must review the case before prosecution can begin. The pro-Chavez Governor of Tachira State, Ronaldo Blanco la Cruz, respectfully suggested the accusations against Escalante were "an error." Blanco la Cruz said Escalante, who according to press reports once served as Blanco la Cruz' second-in-command in Tachira, was not in charge of the areas mentioned by Rodriguez where

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the explosives were transferred. Defense Minister Maniglia told reporters November 5 that once the Attorney General submits his request for the TSJ review (known in Spanish as an "antejuicio de merito"), Escalante would be separated temporarily from his command. (Note: Separately, we heard Escalante was, in fact, separated on November 9.)

----- Material Authors Still In Jail -----

6. (U) Rodriguez pointed out that the trial for three of the material authors would begin November 10. The material authors named so far by prosecutors are:

-- Otoniel Guevara, a former DISIP inspector, arrested shortly after Anderson's murder last year and remains in custody. His trial is set for November 10.

-- Rolando Guevara, brother of Otoniel, and former federal police official. He is in custody, awaiting trial on November 10.

-- Juan Guevara, cousin of the Guevara brothers and former high-ranking DISIP agent. Juan and his two cousins reportedly were involved in hiding former Peruvian intelligence chief Vladimiro Montesinos in Venezuela in 2002. He is in custody, awaiting trial on November 10.

-- Johan Pena, former DISIP agent currently thought to be in the United States.

-- Pedro Lander, former DISIP, reportedly in the United States with Pena, who according to some press reports operated a private security firm in Miami with Pena and Juan Guevara.

-- Antonio Lopez, a lawyer and son of a right-wing former Venezuelan Senator, who was gunned down in a shootout with police shortly after the murder. It was in his parents' house that investigators allegedly found a large and diverse weapons cache.

-- Juan Carlos Sanchez, a police colleague of the Guevaras, who was killed during a police operation to capture him in a hotel in Barquisimeto. Family members claim Sanchez was in fact kidnapped by DISIP and tortured to death.

-- Fernando Moreno Palmar, announced by Rodriguez as a collaborator who may have transported the explosives into

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Venezuela, was indicted on November 13 and is reportedly being held in DISIP custody.

Rodriguez Alleges CIA-Paramilitary Link

7. (U) Rodriguez alleged that the CIA and the Colombian United Self-Defense Forces (AUC) advised the material authors of the crime and facilitated the transportation of the explosives. He subsequently included others in the conspiracy, including a retired senior FBI agent in Miami and retired Venezuelan Cardinal Rosalio Castillo Lara. Rodriguez mentioned meetings in Maracaibo, Panama, and Miami, in which elements of both organizations participated. Rodriguez, who had said weeks before that the plot started as an attempt to assassinate Chavez, said November 7 that the scheme had intended to kill Rodriguez himself, whose replacement would have required an impossible two-thirds agreement in the National Assembly, thus plunging the country into chaos. He noted that the damning testimony implicating the CIA and AUC came recently from a Colombian psychiatrist, Giovanni Jose Vazquez de Armas, who allegedly belongs to the AUC and is now in Venezuelan police protection. Subsequently, the press reported that Vazquez was not registered as a psychiatrist in Colombia nor did Colombian securities authorities claim knowledge of the witness' affiliation with the AUC. Rodriguez promised that more witnesses would soon be brought to light.

Next-of-Kin Split On GOV Handling of Case

8. (U) A polarized reaction came from two camps of Anderson relatives regarding the latest indictments. Marisela Anderson, the victim's sister, railed against Rodriguez November 7 for telling a dozen public lies about the case and treating the death of her brother lightly. She said facts turned up by the investigation had thus far never pointed to the latest suspects named by Rodriguez. Anderson sisters Lourdes and Maria publicly repudiated Marisela's comments, expressing full confidence in Rodriguez' handling of the case. Lourdes said Anderson's murder was the result of a political plot to attack the Chavez government.

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